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PARK, VAUGHAN & FLEMING LLP
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EXAMINER

MARTIN, NICHOLAS A

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,102

Applicant(s)

JACOBS ET AL.

Examiner

Nicholas A. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/4/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-32 are presented for examination.

Priority

2. No claim for priority has been made in this application.
3. The effective filing date for the subject matter defined in the pending claims in this application is 8/4/2001.

Information Disclosure Statement

4. The information disclosure statement filed October 3, 2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because date of publication for non patent literature documents: "A Scalable System for Consistently Caching Dynamic Web Data", Challenger et al. and "A Publishing System for Efficiently Creating Dynamic Web Content", Challenger et al. are missing the publication dates. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C (1).

Double Patenting

5. Claim(s) 1-25 of patent #6,789,170 contain(s) every element of claim(s) 1, 14, 23-25, 27 and 31 of the instant application and as such anticipate(s) claim(s) 2-13, 15-22, 26, 28-30 and 32 of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); *In re Berg*, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " *ELI LILLY AND COMPANY v BARR LABORATORIES, INC.*, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. - Claims 1-2, 4-22, 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffman et al. (US 6,640,240).

8. As per claim 1, Hoffman teaches a method of operating a cache system to serve one set of cached data in response to multiple different data requests, comprising:

receiving a first request for a first set of data, said first request comprising a first session identifier configured to identify a first client session (Col. 1, line 55; Col. 14, lines 34-35);

serving said first set of data from the cache system in response to said first request (Col. 2, lines 52-54);

receiving a second request for said first set of data, said second request comprising a second session identifier different from said first session identifier (Col. 1, line 59; Col. 5, lines 60-67; Col. 6, lines 1-5).

serving said first set of data from the cache system in response to said second request (Col. 2, lines 52-54).

9. As per claim 2, Hoffman teaches the method of claim 1, wherein said first set of data is identifiable by a data identifier (Col. 6, lines 27-29; Col. 14, lines 34-35); and

wherein each of said first request and said second request comprise said data identifier (Col. 14, lines 34-35).

10. As per claim 4, Hoffman teaches the method of claim 2, wherein said first identifier is combined with said data identifier in said first request (Col. 6, lines 27-35); and

wherein said second session identifier is combined with said data identifier in said second request (Col. 6, lines 27-35).

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11. As per claim 5, Hoffman teaches the method of claim 2, further comprising, prior to said receiving a second request:

 caching said first set of data (Col. 2, lines 48-49; Col. 6, lines 27-30); and

 associating a portion of said first request with said cached first set of data (Col. 2, lines 48-49, lines 52-54; Col. 6, lines 27-35).

12. As per claim 6, Hoffman teaches the method of claim 5, wherein said portion comprises a combination of said data identifier and said first session identifier (Col. 2, lines 48-49, lines 52-54; Col. 18, lines 49-51).

13. As per claim 7, Hoffman teaches the method of claim 5, wherein said serving said first set of data in response to said second request comprises:

 searching the cache system for a set of data responsive to said second request (Col. 2, lines 50-51); and

 matching said first set of data with said second request (Col. 2, lines 62-65).

14. As per claim 8, Hoffman teaches the method of claim 7, wherein said searching comprises comparing said associated portion of said first request to said second request (Col. 8, lines 63-65).

15. As per claim 9, Hoffman teaches the method of claim 8, wherein during said comparing, one or more of said first session identifier and said session identifier are ignored (Col. 9, lines 57-61; Col. 10, lines 20-23).

16. As per claim 10, Hoffman teaches the method of claim 7, wherein said searching comprises replacing one or more of said first session identifier and said second session

identifier with a default session identifier (Col. 9, lines 48-50, lines 57-61; Col. 10, lines 20-23; Col. 14, lines 8-9; Col. 18, lines 11-13).

17. As per claim 11, Hoffman teaches the method of claim 5, wherein said associating comprises replacing said first session identifier with a default session identifier (Col. 9, lines 48-50, lines 57-61; Col. 10, lines 20-23; Col. 14, lines 8-9; Col. 18, lines 11-13).

18. As per claim 12, Hoffman teaches the method of claim 1, further comprising, prior to said serving said first set of data in response to said second request:

inserting said second session identifier into one or more data identifiers within said first set of data (Col. 2, lines 60-67; Col. 3, lines 1-5; Col. 8, lines 4-5; Col. 12, lines 17-18).

19. As per claim 13, Hoffman teaches the method of claim 12, wherein said inserting comprises replacing said first session identifier in first data identifier with a said second session identifier (Col. 16, lines 7-8).

20. As per claim 14, Hoffman teaches a method of serving one set of cached data, from a cache system, in response to a plurality of different data requests, wherein each data request comprises a different session identifier, the method comprising:

receiving a first request for a first set of data from a first client session (Col. 1, line 55), wherein said first request comprises:

a data identifier identifying said first set of data (Col. 6, lines 27-29); and

a first session identifier identifying said first client session (Col. 14, lines 34-35);

receiving said first set of data from a data server (Col. 2, lines 55-56);

caching said first set of data, wherein said first set of data is identifiable in the cache system by information included in said first request (Col. 2, lines 48-49; Col. 6, lines 27-30; Col. 14, lines 34-35; Col. 18, lines 49-51);

 receiving a second request for said first set of data from a second client session (Col. 1, line 59), wherein said second request comprises:

 said data identifier (Col. 6, lines 27-35); and

 a second session identifier identifying said second client session (Col. 6, lines 27-30):

 retrieving said first set of data from a cache (Col. 6, lines 27-35);

 serving said first set of data in response to said second request (Col. 2, lines 52-56; Col. 6, lines 20-33).

21. As per claim 15, Hoffman teaches the method of claim 14, wherein in said first request, said data identifier is combined with said first session identifier (Col. 6, lines 27-29).

22. As per claim 16, Hoffman teaches the method of claim 14, wherein said retrieving comprises searching for a previous request for which said first set of data was cached (Col. 2, lines 47-56).

23. As per claim 17, Hoffman teaches the method of claim 16, wherein said searching comprises comparing a portion of said second request with said information included in said first request (Col. 1, lines 59-62; Col. 2, lines 47-65).

24. As per claim 18, Hoffman teaches the method of claim 17, wherein said information included in said first request comprises said data identifier (Col. 6, lines 27-29).

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25. As per claim 19, Hoffman teaches the method of claim 16, wherein said first session identifier and said second identifier are ignored during said searching (Col. 9, lines 57-61; Col. 10, lines 20-23).

26. As per claim 20, Hoffman teaches the method of claim 16, wherein said searching comprises replacing one of said first session identifier and said second identifier with a default value (Col. 9, lines 48-50, lines 57-61; Col. 10, lines 20-23; Col. 18, lines 11-13).

27. As per claim 21, Hoffman teaches the method of claim 14, further comprising, prior to said serving:

extracting said second session identifier from said second request (Col. 2, lines 47-56); and

combining said second session identifier with a first data identifier in said first set of data (Col. 1, lines 53-60).

28. As per claim 22, Hoffman teaches the method of claim 21, wherein said combining comprises replacing said first session identifier with said second session identifier (Col. 14, lines 8-9).

21. As per claim 27, Hoffman teaches a cache system for caching data from a data server, comprising:

a first cache memory configured to store a first data item, wherein said first data item is retrieved from a data server for serving in response to a first data request comprising a first session identifier (Col. 1, lines 53-57);

a parser configured to parse a second data request comprising a second session identifier different from said first session identifier (Col. 6, lines 36-37);

wherein said first data item is served in response to said data request (Col. 2, lines 48-54).

22. As per claim 28, Hoffman teaches the cache system of claim 27, wherein said first data request comprises a combination of a first data identifier and said first data item and said first session identifier and said second data request comprises a combination of said first data identifier and said second session identifier (Col. 6, lines 27-29); and

wherein said parser is configured to extract said second session identifier from said second data request (Col. 2, lines 48-54; Col. 6, lines 36-37).

23. As per claim 29, Hoffman teaches the cache system of claim 27, wherein said first data item comprises a data identifier of another data item (Col. 2, lines 48-54; Col. 6, lines 37-41); and

wherein said second session identifier is combine with said data identifier of said other data item prior to serving said first data item (Col. 16, lines 53-57).

24. As per claim 30, Hoffman teaches the cache system of claim 27, further comprising:

a second cache memory configured to store a first portion of said first data request, wherein said portion may be compared to a second portion of said second data request to determine if said first data item is responsive to said second data request (Col. 2, lines 47-67; Col. 3, lines 1-5);

wherein said first session identifier and said second session identifier are ignored (Col. 9, lines 57-61; Col. 10, lines 20-23).

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25. As per claim 31, Hoffman teaches a cache system for serving one set of data in response to different requests, comprising:

parsing means configured to examine a data request to identify a requested set of data (Col. 6, lines 36-37);

retrieval means configured to retrieve a session identifier from said data request (Col. 6, lines 27-35); and

search means configured to search a cache for said requested set of data, wherein said search means is further configured to disregard said session identifier and a session identifier of a previous request in response to which said request set of data was served (Col. 2, lines 48-54; Col. 6, lines 58-62).

26. As per claim 32, Hoffman teaches the cache system of claim 31, further comprising update means configured to update one or more data identifiers in said requested set of data to include said session identifier (Col. 2, lines 47-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. (hereinafter Hoffman) US 6,640,240, in view of Ben-Itzhak, Yuval (hereinafter Ben-Itzhak) US 2003/0023873).

28. As per claim 3, Hoffman does not explicitly teach the method of claim 2, wherein said data identifier is a URI (Uniform Resource Identifier).

29. Ben-Itzhak teaches a method wherein a data identifier is a URI (Uniform Resource Locator) (Paragraphs [0070] and [0116]).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ben-Itzhak and Hoffman because they both deal with identification of data and its monitoring functionality. Furthermore, the teaching of Ben-Itzhak to allow wherein said data identifier is a URI (Uniform Resource Locator) would improve the functionality for Hoffman's system by providing added parameters that would speed up the data transmission and security throughout the cache.

31. Claims 23-26 are rejected under 35 U.S.C.(a) as being unpatentable over Hoffman et al. (hereinafter Hoffman) US 6,640,240, in view of 'Official Notice'.

32. As per claim 23, Hoffman teaches a method of operating a cache system to serve one set of cached data in response to multiple different data requests, the method comprising:

receiving a first request for a first set of data, said first request comprising a first session identifier configured to identify a first client session (Col. 1, line 55; Col. 14, lines 34-35);

serving said first set of data from the cache system in response to said first request (Col. 2, lines 52-54);

receiving a second request for said first set of data, said second request comprising a second session identifier different from said first session identifier (Col. 1, line 59; Col. 5, lines 60-67; Col. 6, lines 1-5).

serving said first set of data from the cache system in response to said second request (Col. 2, lines 52-54).

33. Hoffman does not teach a computer readable storage medium storing instructions that, when executed by a computer, cause the computer to perform a method of operating a cache system to serve one set of cached data in response to multiple different data requests. However 'Official Notice' is taken by the Examiner that storing the instructions of the caching system would have enabled the transportation and installation of the method on other systems. It would have been obvious to use a computer readable storage medium for storing instructions for implementing Hoffman's program on a computer readable medium because it would have enabled the distribution and widespread use of the caching program.

34. Claim 24 do not teach or define any new limitations above claim 23 and therefore are rejected for similar reasons.

35. As per claim 25, Hoffman teaches a data structure configured for caching data items from a data server, the data structure comprising:

a first data item served in response to a first data request having a first session identifier (Col. 1, lines 54-62);

a portion of said first data request (Col. 2, lines 59-62);

wherein said portion of said first data request is compared to a portion of a second data request having a second session identifier (Col. 2, lines 62-67); and

wherein said first data item is served in response to said second data request (Col. 2, lines 48-54).

36. Hoffman does not teach a computer readable storage medium containing a data structure configured for caching data items from a data server. However 'Official Notice' is taken by the Examiner that storing the instructions of the caching system would have enabled the transportation and installation of the method on other systems. It would have been obvious to use a computer readable storage medium for storing instructions for implementing Hoffman's program on a computer readable medium because it would have enabled the distribution and widespread use of the caching program.

37. As per claim 26, Hoffman teaches a method of claim 25, wherein said portion of said first data request includes said first session identifier (Col. 2, lines 52-54, Col. 6, lines 27-29).

38. Hoffman does not teach a computer readable storage medium wherein said portion of said first data request includes said first session identifier. However 'Official Notice' is taken by the Examiner that storing the instructions of the caching system would have enabled the transportation and installation of the method on other systems. It would have been obvious to use a computer readable storage medium for storing instructions for implementing Hoffman's program on a computer readable medium because it would have enabled the distribution and widespread use of the caching program.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- | | | |
|------|--------------|-------------------|
| i. | US 6,505,230 | Mohan et al. |
| ii. | US 6,507,891 | Challenger et al. |
| iii. | US 5,740,430 | Rosenberg et al. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas A. Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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